

# EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl:MDL NO. 1358 (SAS)  
Ether ("MTBE") :  
Products Liability :  
Litigation :

In Re:

City of New York v. Amerada Hess, et al.  
No. 04 Civ. 3417

-----

CONFIDENTIAL (Per 2004 MDL 1358 Order)

-----

October 10, 2009

-----

Videotaped Deposition of  
BRUCE F. BURKE, held at the New York  
City Law Department, 100 Church Street,  
6th Floor, New York, New York, beginning  
at approximately 2:10 p.m., before Ann  
V. Kaufmann, a Registered Professional  
Reporter, Certified Realtime Reporter,  
Approved Reporter of the U.S. District  
Court, and a Notary Public.

-----

GOLKOW TECHNOLOGIES, INC.  
(P) 877.370.3377 (F) 917.591.5672  
deps@golkow.com

<p style="text-align: right;">169</p> <p>1 further questions.</p> <p>2 MS. AMRON: I do. Just a</p> <p>3 few questions.</p> <p>4 REDIRECT EXAMINATION</p> <p>5 BY MS. AMRON:</p> <p>6 Q. Referring to Exhibit 8</p> <p>7 which you have in front of you,</p> <p>8 Mr. Burke, have you ever seen that</p> <p>9 document before counsel handed it to you</p> <p>10 today?</p> <p>11 A. No, I have not.</p> <p>12 Q. I don't have a copy of it.</p> <p>13 It is a document called a stipulation.</p> <p>14 Do you have an understanding -- before</p> <p>15 counsel explained it to you today, did</p> <p>16 you have an understanding of what a</p> <p>17 stipulation is?</p> <p>18 A. Unfortunately, no. I'm not</p> <p>19 a lawyer. So I did not.</p> <p>20 Q. Was your direct testimony</p> <p>21 today based on the information that you</p> <p>22 gained and knowledge that you have</p> <p>23 gained during your 30 years of</p> <p>24 experience in your current position?</p>	<p style="text-align: right;">171</p> <p>1 Q. Did you review any</p> <p>2 documents specifically in preparation</p> <p>3 just for your testimony today?</p> <p>4 MR. STACK: Objection.</p> <p>5 A. No. I've relied on my</p> <p>6 experience over time.</p> <p>7 Q. Did you do any research</p> <p>8 specifically for your -- in preparing</p> <p>9 for your testimony today?</p> <p>10 MR. STACK: Objection.</p> <p>11 A. I really did not. I was</p> <p>12 told to rely on my knowledge that I've</p> <p>13 gained over 30 years. I have mentioned</p> <p>14 a number of specific engagements that</p> <p>15 were relevant to how gasoline is</p> <p>16 distributed, transported in California,</p> <p>17 so I reviewed those really for memory.</p> <p>18 I did not dig up the original reports or</p> <p>19 analyses.</p> <p>20 Q. Now, you were asked by</p> <p>21 Mr. Stack fairly early in his</p> <p>22 questioning of you a series of questions</p> <p>23 about working for individual pipelines.</p> <p>24 Do you recall that series of questions?</p>
<p style="text-align: right;">170</p> <p>1 A. Yes.</p> <p>2 MR. STACK: Objection.</p> <p>3 THE WITNESS: Yes, it was</p> <p>4 based on that.</p> <p>5 BY MS. AMRON:</p> <p>6 Q. Did you review documents in</p> <p>7 preparation for preparing -- in</p> <p>8 preparation for testimony today?</p> <p>9 MR. STACK: Objection.</p> <p>10 A. Well, I -- as I've stated,</p> <p>11 I reviewed these documents which we've</p> <p>12 talked about, the National Petroleum</p> <p>13 News, the Oil and Gas Journal, and a</p> <p>14 list of terminals from the OPIS terminal</p> <p>15 directory listing. So I have reviewed</p> <p>16 some documents, yes.</p> <p>17 Q. Did you review those</p> <p>18 documents that you've just mentioned to</p> <p>19 prepare for your testimony today or</p> <p>20 for -- to put together the charts in</p> <p>21 Exhibit 8?</p> <p>22 MR. STACK: Objection.</p> <p>23 A. It was put together, the</p> <p>24 charts.</p>	<p style="text-align: right;">172</p> <p>1 A. Yes.</p> <p>2 Q. And you answered that you</p> <p>3 had not worked for the various pipeline</p> <p>4 systems that he mentioned to you?</p> <p>5 A. That's correct.</p> <p>6 Q. If you didn't work for</p> <p>7 those systems, how is it that you are</p> <p>8 familiar with common carrier pipelines</p> <p>9 in the United States?</p> <p>10 MR. STACK: Objection.</p> <p>11 A. Well, I'm familiar from the</p> <p>12 point of view of their relationship to</p> <p>13 refining and moving product to market.</p> <p>14 So typically my engagements have been</p> <p>15 with refiners themselves or preparing</p> <p>16 analyses for the, in this case, the</p> <p>17 overall U.S. market or regional parts of</p> <p>18 the U.S. market. And to do that, you</p> <p>19 need to have a knowledge of how</p> <p>20 pipelines work, common carrier pipelines</p> <p>21 work and the big systems. But in</p> <p>22 general, you know, I have not worked</p> <p>23 directly for pipeline systems.</p> <p>24 Q. You were also asked a</p>